

# FEDERAL REGISTER

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## Rules, Regulations, Orders

### TITLE 7—AGRICULTURE

#### CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

#### PART 722—RESULTS OF COTTON REFERENDUM, 1940-41 MARKETING YEAR

I, H. A. Wallace, Secretary of Agriculture, acting under and pursuant to, and by virtue of, the authority vested in me by Sec. 347 of the Agricultural Adjustment Act of 1938, as amended, do hereby make the following proclamation.

§ 722.202 *Results of cotton referendum.* (a) In the referendum of farmers who were engaged in production of the 1939 crop of cotton, conducted by the Secretary of Agriculture on December 9, 1939, to determine whether such farmers were in favor of or opposed to marketing quotas for cotton for the marketing year beginning August 1, 1940, the total number of votes cast was 962,273 and of the total number of votes so cast 877,297 votes, or 91.2 percent, were in favor of, and 84,976 votes, or 8.8 percent, were opposed to, such marketing quotas.

(b) The national marketing quota for cotton for the marketing year beginning August 1, 1940, proclaimed by the Secretary of Agriculture on September 14, 1939,<sup>1</sup> will be in effect for such year. (Sec. 347, 52 Stat. 59)

Done at Washington, D. C., this 29th day of December, 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 40-88; Filed, January 5, 1940;  
12:52 p. m.]

<sup>1</sup> 4 FR. 3910 DI.

### TITLE 14—CIVIL AVIATION

#### CHAPTER I—CIVIL AERONAUTICS AUTHORITY

[Amendment 32, Civil Air Regulations]

#### CHANGING THE NAMES OF THE CONTROL AIRPORTS DESIGNATED AS FLOYD BENNETT FIELD AND NEW YORK MUNICIPAL AIRPORT

At a session of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 2nd day of January, 1940.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly sections 205 (a) and 601 (a) of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under said Act, the Civil Aeronautics Authority hereby amends the Civil Air Regulations as follows:

Effective February 1, 1940, Part 60, as amended, of the Civil Air Regulations is hereby amended as follows:

By striking out so much of section 60.21 as reads

New York, N. Y. .... Floyd Bennett Field.  
New York, N. Y. .... New York Municipal Airport.

and inserting in lieu thereof the following:

New York, N. Y. .... New York Municipal Airport, Floyd Bennett Field.  
New York, N. Y. .... New York Municipal Airport, LaGuardia Field.

By the Authority.

[SEAL] \* ROBERT R. REINING,  
Acting Secretary.

[F. R. Doc. 40-83; Filed, January 5, 1940;  
12:03 p. m.]

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#### TITLE 19—CUSTOMS DUTIES CHAPTER I—BUREAU OF CUSTOMS [T.D. 50061]

##### CUSTOMS REGULATIONS AMENDED—MAIL IMPORTATIONS<sup>1</sup>

CUSTOMS REGULATIONS OF 1937 AMENDED TO DIRECT CUSTOMS OFFICERS TO REFER ALL PARCELS IMPORTED IN THE MAILS CONTAINING OR SUPPOSED TO CONTAIN PLANTS OR PLANT PRODUCTS TO A PLANT QUARANTINE INSPECTOR FOR EXAMINATION AND FULFILLMENT OF THE REQUIREMENTS OF LAW, BEFORE CUSTOMS CLEARANCE; ALSO AMENDED TO PROHIBIT THE IMPORTATION IN THE MAILS OF GOLD COIN, GOLD BULLION OR GOLD DUST HAVING A VALUE IN EXCESS OF \$50.00; AND ARTICLE RELATING TO THE REFUND OF FINES, DELETED

JANUARY 3, 1940.

To Collectors of Customs and Others Concerned:

Pursuant to authority contained in section 161, Revised Statutes (U.S.C. title 5, sec. 22) and section 624 of the Tariff Act of 1930 (U.S.C. title 19, sec. 1624) the Customs Regulations of 1937<sup>2</sup> are hereby amended as follows:

Paragraph (a) of article 358 (par. 2 (a), Joint Departmental Mail Regulations) is amended by adding at the end thereof the following sentence:

All articles containing or supposed to contain plants or plant products, includ-

ing seeds and bulbs of all kinds, shall before customs clearance, be referred to a plant quarantine inspector of the United States Department of Agriculture for examination and fulfillment of the requirements of the law.

Paragraph (c) of article 380 (par. 16 (c), Joint Departmental Mail Regulations) [Sec. 7.15 (c)] is deleted.

Paragraph (a) of article 394 (par. 23 (a)), Joint Departmental Mail Regulations, as amended by (1938) T.D. 49754, is further amended to read as follows:

(a) (J.R. 23a) Postal and customs officers and employees shall keep themselves informed as to the law and regulations covering obscene, seditious and lottery matter, copyrighted, trademarked, and other articles prohibited importation in the mails. The transportation in the regular mails or parcel post from any foreign country into the United States of any consignment of gold coin, gold bullion, or gold dust, having a value in excess of \$50, is prohibited. The importation by mail of explosives of all kinds, intoxicating liquors, opium, morphine, cocaine, and other narcotics is prohibited. The importation of firearms capable of being concealed on the person, except under the conditions set forth in section 607 of the Postal Laws and Regulations of 1932, or any subsequent revision thereof or amendment thereto, is likewise prohibited (U.S.C. title 18, sec. 361). Mail shipments of admissible arms, implements of war, and other non-explosive munitions of war designated in the President's Proclamation No. 2237<sup>3</sup> of May 1, 1937, referred to in section 12 (i) of the Neutrality Act of 1939 (Public, No. 54, 76th Congress), or in any proclamation of the President hereafter made under the authority of said section 12 (i), shall be detained by customs until an import license from the Secretary of State has been submitted. Likewise, firearms, as that term is defined in the National Firearms Act (U.S.C. title 26, sec. 1132), as amended, shall be detained by customs until an import permit from the Commissioner of Internal Revenue has been submitted by the addressee. If the import license and the import permit are found to be in proper form, the mail parcel shall be endorsed by customs showing that it is entitled to entry, and released to the postmaster for delivery or dispatch to destination in the mails, subject to any duties that may accrue and to other customs requirements applicable thereto. Plants and plant products, including seeds and bulbs of all kinds, may be imported into the United States only under the conditions set forth in the Plant Quarantine Act, amendments thereto, and regulations thereunder. All such articles shall be submitted through customs officials to plant quarantine inspectors of the United States Department of Agriculture for fulfillment of the requirements of the law.

Viruses, serums, toxins, and other biological products covered by the act of July 1, 1902 (Secs. 1-7, 32 Stat. 728-729; U.S.C., title 42, secs. 141-148) may be imported only in accordance with the provisions of the act and the regulations thereunder and shall, therefore, in all cases be submitted to customs representatives, who shall, before returning the merchandise to the country of origin, communicate with the addressee to determine whether such importations are in compliance with the law and regulations. (See secs. 588, 595 to 606, 2203, 2204, 2232, and 2233, Postal Laws and Regulations of 1932.)

The following marginal reference should be added to those appearing opposite articles 358 (a) and 394 (a) of the Customs Regulations of 1937: U.S.C. title 7, sec. 159.

[SEAL]

JAMES A. FARLEY,

Postmaster General.

JOHN W. HANES,

Acting Secretary of the Treasury.

[F. R. Doc. 40-75, Filed January 4, 1940; 4:13 p. m.]

#### Notices

#### DEPARTMENT OF THE INTERIOR.

##### Bituminous Coal Division.

[Docket No. 564-FD]

IN THE MATTER OF THE APPLICATION OF  
G. A. STILES COMPANY FOR EXEMPTION  
ORDER CONSENTING TO WITHDRAWAL OF  
APPLICATION

Upon the request of the applicant, the Director consents to the withdrawal of the application of the above-named applicant upon the condition that the withdrawal of said application shall constitute a waiver of any exemption which may otherwise become effective during the pendency of a subsequent application, except upon a showing of a material change of facts, and to that effect

It is so ordered.

Dated, January 4, 1940.

[SEAL]

H. A. GRAY,

Director.

[F. R. Doc. 40-84; Filed, January 5, 1940; 12:22 p. m.]

[Docket No. 1134-FD]

IN THE MATTER OF THE APPLICATION OF  
J. G. HARTLEY FOR EXEMPTION  
ORDER OF DISMISSAL

An application for exemption dated November 14, 1939, having been filed by J. G. Hartley pursuant to the provisions of the second paragraph of Section 4-A of the Bituminous Coal Act of 1937; and

Counsel for the applicant and counsel for the Bituminous Coal Division having entered into a stipulation dated December 20, 1939, which is made a part

<sup>1</sup> This document affects 19 CFR 7.15.

<sup>2</sup> 2 F.R. 1444, 1562, 1643.

<sup>3</sup> 2 F.R. 778.

hereof, consenting to the discontinuance and dismissal of said application; and

Counsel for the applicant and counsel for the Bituminous Coal Division having consented to this order;

*It is ordered*, That the above described application be and the same is hereby dismissed subject to the terms and conditions of said stipulation.

Dated, January 4, 1940.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 40-85; Filed, January 5, 1940;  
12:22 p. m.]

[Docket No. 1135-FD]

IN THE MATTER OF THE APPLICATION OF  
THE PENNSYLVANIA EDISON COMPANY FOR  
EXEMPTION

ORDER OF DISMISSAL

An application for exemption dated November 9, 1939, having been filed by the Pennsylvania Edison Company pursuant to the provisions of the second paragraph of Section 4-A of the Bituminous Coal Act of 1937; and

Counsel for the applicant and counsel for the Bituminous Coal Division having entered into a stipulation dated December 21, 1939, which is made a part hereof, consenting to the discontinuance and dismissal of said application; and

Counsel for the applicant and counsel for the Bituminous Coal Division having consented to this order;

*It is ordered*, That the above described application be and the same is hereby dismissed subject to the terms and conditions of said stipulation.

Dated, January 4, 1940.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 40-86; Filed, January 5, 1940;  
12:22 p. m.]

[Docket No. 1160-FD]

IN THE MATTER OF THE APPLICATION OF  
HARRY JONES FOR EXEMPTION

ORDER OF DISMISSAL

An application for exemption dated November 13, 1939, having been filed by Harry Jones pursuant to the provisions of the second paragraph of Section 4-A of the Bituminous Coal Act of 1937; and

Counsel for the applicant and counsel for the Bituminous Coal Division having entered into a stipulation dated December 20, 1939, which is made a part hereof, consenting to the discontinuance and dismissal of said application; and

Counsel for the applicant and counsel for the Bituminous Coal Division having consented to this order;

*It is ordered*, That the above described application be and the same is hereby

dismissed subject to the terms and conditions of said stipulation.

Dated, January 4, 1940.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 40-87; Filed, January 5, 1940;  
12:22 p. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order No. 421]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 21, 1939.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Florida 0023A1 Levy	874,408
Florida 7023A2 Levy	21,592
Indiana 9092C1 Jackson	100,000
Louisiana 0013B1 East Baton Rouge	134,000
Louisiana 0018A1 Beauregard	90,593
Louisiana 7018A2 Beauregard	15,407
Maryland 0007B2 Caroline	35,311
Maryland 7007B3 Caroline	7,689
Mississippi 0045B1 Clarke-Lauderdale	125,000
Mississippi 8045B2 Clarke-Lauderdale	59,000

[SEAL] HARRY SLATTERY,  
Administrator.

[F. R. Doc. 40-89; Filed, January 5, 1940;  
12:52 p. m.]

FEDERAL POWER COMMISSION.

[Docket Nos. ID-434, ID-891, ID-892, ID-884, ID-597, ID-329, ID-462, ID-617, ID-372, ID-792, ID-505, ID-829, ID-332]

IN THE MATTER OF WILLIAM McCLELLAN, EDWARD T. GUSHEE, JOHN A. WOODBRIDGE, ALLEN VAN WYCK, ROBERT SEALY, LOUIS E. DICKINSON, GEORGE K. MILTENBERGER, HERMANN SPOEHRER, JOHN L. GANZ, JOHN G. JOHANSEN, EUGENE R. KROPP, GEORGE H. HARTWEIN AND EARLE F. DOYLE

ORDER POSTPONING DATE OF HEARING

JANUARY 4, 1940.

Commissioners: Leland Olds, Chairman; Claude L. Draper, Basil Manly, Clyde L. Seavey. John W. Scott, not participating.

It appearing to the Commission that:

(a) By order dated December 1, 1939, a public hearing in the above entitled matters was set for January 8, 1940,<sup>1</sup> at 10 a. m. in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, NW, Washington, D. C.;

(b) Good cause exists for a postponement of the date of said public hearing;

The Commission, upon its own motion, orders that:

The public hearing in the above entitled matters be and it is hereby postponed from January 8, 1940, to a date hereafter to be fixed by order of the Commission.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 40-76; Filed, January 5, 1940;  
9:28 a. m.]

FEDERAL SECURITY AGENCY.

Social Security Board.

CERTIFICATION OF STATE UNEMPLOYMENT COMPENSATION LAWS TO SECRETARY OF THE TREASURY

Pursuant to section 1603 (a) of the Internal Revenue Code (previously section 903 (a) of the Social Security Act, approved August 14, 1935, as amended), the Social Security Board has heretofore approved the unemployment compensation laws of the following States: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming.

In accordance with the provisions of section 1603 (c) of the Internal Revenue Code, the Social Security Board hereby certifies the foregoing States to the Secretary of the Treasury for the taxable year 1939.

SOCIAL SECURITY BOARD.

[SEAL] By A. J. ALTMAYER,  
Chairman.

DECEMBER 30, 1939.

[F. R. Doc. 40-77; Filed, January 5, 1940;  
9:28 a. m.]

CERTIFICATION TO SECRETARY OF THE TREASURY OF CONTRIBUTIONS ALLOWABLE UNDER WISCONSIN UNEMPLOYMENT COMPENSATION LAW

Pursuant to section 1603 of the Internal Revenue Code, as amended, the Social Security Board has heretofore approved the unemployment compensation law of the State of Wisconsin and certified such law, with respect to the taxable year 1939, to the Secretary of the Treasury; and

<sup>1</sup> 4 F.R. 4769 D1.

After analysis of the provisions of said law, the Board hereby finds that:

(1) Said law provides for the maintenance of more than one type of fund or account to which reduced rates of contributions are or may be allowable with respect to the taxable year 1939;

(2) All such accounts maintained under said law, other than those described in paragraph (4) hereof, constitute reserve accounts as defined in section 1602 (c) (1) of the Internal Revenue Code;

(3) Reduced rates of contributions allowable with respect to the taxable year 1939 under said law to such reserve accounts were allowable under conditions fulfilling the requirements of section 1602 (a) (3) of the Internal Revenue Code;

(4) Accounts established or maintained during the taxable year 1939 by virtue of the provisions of section 108.16 (8) of said law, to the extent that such accounts were (i) accounts to which a transfer had been made, within a period significant under said law for purposes of determining such accounts' benefit liability or contribution rate during such taxable year, of a part of another person's compensation experience or liability, or (ii) accounts from which a transfer to another person's account had been made, within a similar period, of a part of the compensation experience or liability of the person with respect to whom such account is maintained, do not constitute a type of fund or account which is defined in section 1602 (c) of the Internal Revenue Code; and

(5) Any reduced rates of contributions, allowable with respect to the taxable year 1939 under said law to the accounts described in the foregoing paragraph upon the basis of a part of another person's compensation experience or liability, or upon the basis of less than the total compensation experience or liability of the person with respect to whom such account is maintained, were allowable under conditions not fulfilling the requirements of subsection (a) of section 1602 of the Internal Revenue Code.

The term "compensation experience or liability," as used herein with respect to an account, means experience with respect to or liability for compensation paid or payable on the basis of services performed for the person with respect to whom the account is maintained.

By virtue of said approval and findings, the Social Security Board hereby certifies to the Secretary of the Treasury that for the taxable year 1939 all reduced rates of contributions allowable under the Wisconsin unemployment compensation law, except those described in paragraph (5) of the foregoing findings, were allowable in accordance with the provisions of subsection

(a) of section 1602 of the Internal Revenue Code.

SOCIAL SECURITY BOARD,  
[SEAL] By A. J. ALTMAYER,  
Chairman.

DECEMBER 30, 1939.

[F. R. Doc. 40-78; Filed, January 5, 1940;  
9:28 a. m.]

**CERTIFICATION TO WISCONSIN INDUSTRIAL COMMISSION BY SOCIAL SECURITY BOARD**

The Industrial Commission of Wisconsin having duly submitted the Wisconsin Unemployment Reserves and Compensation Act, as amended, to the Social Security Board, pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code; and

The Social Security Board having considered the provisions of said act to determine whether or not reduced rates of contributions are allowable thereunder under conditions fulfilling the requirements of section 1602 of the Internal Revenue Code; and

The Board hereby finds that:

(1) Said act provides for the maintenance of more than one type of account to which reduced rates of contributions are or may be allowable;

(2) All such accounts maintained under said act, other than those described in paragraph (4) hereof, constitute reserve accounts as defined in section 1602 (c) (1) of the Internal Revenue Code;

(3) Reduced rates of contributions allowable under said act to such reserve accounts are allowable under conditions fulfilling the requirements of section 1602 (a) (3) of the Internal Revenue Code;

(4) Accounts established or maintained by virtue of the provisions of section 108.16 (8) of said act, to the extent that said section provides for (i) accounts to which a transfer has been made, within a period significant under said act for purposes of determining such accounts' benefit liability or contribution rate, of a part of another person's compensation experience or liability, or (ii) accounts from which a transfer to another person's account has been made, within a similar period, of a part of the compensation experience or liability of the person with respect to whom such account is maintained, do not constitute a type of fund or account which is defined in section 1602 (c) of the Internal Revenue Code; and

(5) Any reduced rates of contributions, allowable under said act to the accounts described in the foregoing paragraph upon the basis of a part of another person's compensation experience or liability, or upon the basis of less than the total compensation experience or liability of the person with respect to whom such account is maintained,

are allowable under conditions not fulfilling the requirements of subsection (a) of section 1602 of the Internal Revenue Code.

The term "compensation experience or liability," as used herein with respect to an account, means experience with respect to or liability for compensation paid or payable on the basis of services performed for the person with respect to whom the account is maintained.

Pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, the Board hereby directs that the foregoing findings be certified to the Wisconsin Industrial Commission: *Provided, however, That said findings shall not be construed to be applicable with respect to the conditions of section 1602 (a) (3) of the Internal Revenue Code, as amended, effective January 1, 1942.*

[SEAL] SOCIAL SECURITY BOARD,  
By A. J. ALTMAYER,  
Chairman.

DECEMBER 30, 1939.

[F. R. Doc. 40-79; Filed, January 5, 1940;  
9:28 a. m.]

**SECURITIES AND EXCHANGE COMMISSION**

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of December, A. D. 1939.

[FILE NO. 37-29]

**IN THE MATTER OF NORTHEASTERN WATER & ELECTRIC SERVICE CORPORATION**

**ORDER APPROVING MOTION AND PETITION**

Northeastern Water & Electric Service Corporation, a subsidiary of Northeastern Water & Electric Corporation, a registered holding company, having filed with this Commission a motion and petition pursuant to condition No. 1 of Commission's Order entered December 27, 1938 and amended January 24, 1939, (which order granted approval to Northeastern Water & Electric Service Corporation to conduct its business as a subsidiary service company) for approval of a change in the method of allocating indirect costs of its New York office to associate companies, it being disclosed in the instant motion and petition that the proposed change will merely effect a modification of item 8 in the original declaration, as amended, the other matters considered in the prior proceedings being unaffected by the instant motion and petition;

A public hearing on said motion and petition having been held and the Commission having examined the record and made its findings herein;

*It is ordered*, That said motion and petition be approved subject to the same terms and conditions, as far as the same may be applicable, imposed in the Commission's amended order of January 24, 1939 involving the instant petitioner, together with the following additional conditions:

1. That Northeastern Water & Electric Service Corporation shall make retroactive adjustments of its charges to its associate companies, to the effect that all indirect charges of its New York office included in its charges to its associate companies, since December 31, 1938, shall conform to the proposed changes in the method of allocating indirect charges of the New York Office;

2. That the proposed change in the method of allocating indirect costs of petitioner's New York office to associate companies be carried out in accordance with the terms of and for the purposes represented by the said motion and petition;

3. That within ten days after the proposed change has been put into effect the petitioner shall file with this Commission a certificate of notification showing that such change has been effected in accordance with the terms of and for the purposes represented by said motion and petition.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 40-80; Filed, January 5, 1940;  
11:37 a. m.]

Section 2 of Article I of its By-Laws; and

It appearing from the application for registration of said association filed with the Commission pursuant to Section 15A (a) of the Securities Exchange Act of 1934, as amended, that Article I, Section 2 of the By-Laws of said association reads as follows:

"SEC. 2. No broker or dealer, except with the approval or at the direction of the Securities and Exchange Commission (hereinafter referred to as the Commission), in cases in which the Commission finds it appropriate in the public interest so to approve or direct pursuant to Section 15A (b) (4) of the Securities Exchange Act of 1934, as amended (hereinafter referred to as the Act), shall be admitted to or continued in membership in the Corporation if (1) such broker or dealer, whether prior or subsequent to becoming such, or (2) any partner, officer, director, or branch manager of such broker or dealer (or any person occupying a similar status or performing similar functions), or any person directly or indirectly controlling or controlled by such broker or dealer, whether prior or subsequent to becoming such, (A) has been and is suspended or expelled from a securities association (whether national or affiliated) registered pursuant to Section 15A of the Act, or from a national securities exchange, registered pursuant to Section 6 of the Act, for violation of any rule of such association or exchange which prohibits any act or transaction constituting conduct inconsistent with just and equitable principles of trade, or requires any act or omission of which constitutes conduct inconsistent with just and equitable principles of trade, or (B) is subject to an order of the Commission denying or revoking his registration pursuant to Section 15 of the Act, or expelling or suspending him from membership in a registered securities association or a national securities exchange, or (C) by his conduct while employed by, acting for, or directly or indirectly controlling or controlled by, a broker or dealer, was a cause of any suspension, expulsion, or order of the character described in Clauses (A) or (B), which is in effect with respect to such broker or dealer."; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which the petitioner and all other interested persons be given an opportunity to be heard on the question of whether it is appropriate in the public interest to issue the said order directing said association to admit said copartnership to membership:

*It is ordered*, That the matter be set down for hearing at 2:00 p. m. on Monday, January 29, 1940, at the office of the Commission at 1778 Pennsylvania Avenue, NW, Washington, D. C., Room

1102-A, and that said hearing be continued at such other times or places as the Commission or the officer conducting such hearing may determine; that for the purpose of said hearing William W. Swift be and he is hereby designated as the officer of the Commission to administer oaths and affirmations, subpoena witnesses and compel their attendance, take evidence, require the production of books, papers, correspondence, memoranda and any and all other records deemed relevant or material to the matters in issue at said hearing, and to perform all other duties in connection therewith as authorized by law;

*It is further ordered*, That a copy of this order be served on the applicant, on Wallace H. Fulton, Director, National Association of Securities Dealers, Inc., 1010 Vermont Avenue, Washington, D. C., and on Harry W. Beebe, 63 Wall Street, New York, N. Y., Chairman of the District Committee for District #13 of said association, not less than fifteen (15) days prior to the time of the hearing, and that this order and notice be published in the FEDERAL REGISTER in the manner prescribed by the Federal Register Act not later than fifteen (15) days prior to the time of the hearing.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 40-81; Filed, January 5, 1940;  
11:37 a. m.]

*United States of America—Before the  
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of January, A. D. 1940.

[File No. 52-8]

*IN THE MATTER OF MOUNTAIN STATES  
POWER COMPANY*

*NOTICE OF AND ORDER FOR HEARING*

An amendment to an application and declaration pursuant to the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on January 15, 1940, at two o'clock in the afternoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW, Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Richard Townsend or any other officer or officers of the Commission designated by it for

that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be

admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before January 12, 1940.

The matter concerned herewith is in regard to a proposal by said Mountain States Power Company to amend the plan of reorganization of said corporation heretofore submitted to its creditors and shareholders by providing for the issue and private sale, at a price equivalent to the principal amount thereof plus accrued interest from date, of 4 1/4% First Mortgage Bonds, dated January 1, 1940, due January 1, 1965, in

the principal amount of \$7,500,000, the obtaining of a bank loan in the principal amount of \$600,000 and the issuance of a 3% Promissory Note to evidence such loan, and the payment in full in cash of the presently outstanding bonds of said corporation in lieu of the satisfaction thereof by the delivery of new 5% bonds as provided in the plan so heretofore submitted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
*Secretary.*

[F. R. Doc. 40-82; Filed, January 5, 1940;  
11:37 a. m.]